

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

LARRY ELLIS

PLAINTIFF

V.

CIVIL ACTION NO.4:08CV74-SA-JAD

LEE SIMON, et al.

DEFENDANTS

FINAL JUDGMENT

On consideration of the file and records in this action, pursuant to 28 U.S.C. §636(b)(1)(B), an evidentiary hearing having begun and continued at the request of the plaintiff on June 11, 2009, by the Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and Spears v. McCotter, 766 F.2d 179 (5 Cir. 1985); the Court finds that the Report and Recommendation of the United States Magistrate Judge dated July 22, 2009, was on that date duly served by first class mail upon plaintiff and the attorneys of record for the defendants; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by said parties. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated July 22, 2009, be, and it is hereby, approved and adopted, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the Court.

2. That this case be and hereby is **dismissed with prejudice as to all defendants.**

THIS, the 25th day of August, 2009.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE